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2 The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday,
3 April 14, 2009 at Westfield City Hall. Members present included Randy Graham, Bill Sanders,
4 Craig Wood, and Martin Raines. Also present were Jeremy Miller, Planner I; Jennifer Miller,
5 Planner I; Matthew Skelton, Director; and City Attorney, Brian Zaiger.
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8 **APPROVAL OF MINUTES**
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10 Wood moved to approve the March 10, 2009 minutes as presented.
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12 Raines seconded, and the motion passed by voice vote.
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14 Wood moved to approve the March 26, 2009 minutes as amended.
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16 Raines seconded, and the motion passed by voice vote.
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18 Sanders reviewed the Public Hearing Rules and Procedures.
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20

21 **OLD BUSINESS**
22

23 0810-VU-06 304 W. Main Street; *Thornberry Real Estate*

24 The Appellant is requesting a Variance of Use from the Westfield-Washington Zoning
25 Ordinance (WC 16.04.030, E1) to allow a software company, a real-estate company, and a
26 construction company in the SF-3 District.
27

28 0810-VS-14 304 W. Main Street; *Thornberry Real Estate*

29 The Appellant is requesting a Variance of Standard from the following Westfield-Washington
30 Zoning Ordinance sections:

- 31 1. WC 16.04.070, 4
- 32 2. WC 16.04.070, 5c
- 33 3. WC 16.04.070, 5d
- 34 4. WC 16.04.070, 5f
- 35 5. WC 16.04.070, 5g
- 36 6. WC 16.04.070, 5h
- 37 7. WC 16.04.070, 8
- 38 8. WC 16.04.120, 2f
- 39 9. WC 16.06.060, B & C
- 40 10. WC 16.06.070, A 1 & 2
- 41 11. WC 16.06.070, B2
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43 Miller reviewed both cases and stated that the BZA notice for the petition has not been met and
44 staff recommends these cases be dismissed based on Article 9, Paragraph 9 and Article 10,
45 paragraph 2 of the BZA Rules of Procedures.
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47 Skelton stated these items are required to be dismissed without suspension of the rules.
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1 Board voted that 0810-VU-06 be dismissed

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3 Vote passed 4-0

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5 Board voted that 0810-VS-14 be dismissed

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7 Vote passed 4-0

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10 0810-SE-02 4909 Sheridan Road; *New Cingular Wireless PCS, LLC. AT&T Mobility*

11 The Appellant is requesting a Special Exception to the Westfield-Washington Zoning Ordinance
12 (WC 16.04.125, B1) to allow a wireless communication tower and facility in the AG-SF1
13 District.

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15 Miller reviewed the petition stating this petition has been through TAC at which time Westfield
16 Public Works issued a letter with certain requests as well as the Westfield Fire Department that
17 requested a written commitment from the owner with certain and information including a list of
18 chemicals to be stored on site. He further stated the Hamilton County Surveyor's Office
19 informed the petitioner that the location would likely be in a regulated drain area and asked for
20 additional information. Further Miller explained that the appellant is asking for an encroachment
21 permit to be inside the actual existing easement and the Hamilton County Drainage Board has
22 granted the encroachment permit. Miller stated the staff's recommendation is to deny the request
23 based on findings one and six of the staff report.

24

25 Mr. Matt Price, Bingham McCale, introduced guests and presented details of the special
26 exception request. Price addressed the staff concerns regarding whether the tower is safe to
27 adjoining properties and presented a letter from the structural engineer stating the tower will be
28 built to applicable construction standards for these types of facilities all over the country,
29 specifically for a tower located in Hamilton County, Indiana. He also discussed co-location. He
30 stated this facility meets all the requirements for the Westfield Zoning Ordinance. He also
31 discussed whether there is a need for this structure or whether there are other alternative
32 locations and buildings. Price also discussed the fact that Westfield does not have a "fall zone"
33 requirement but that this project meets the setback requirements.

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35 Raines moved to approve 0810-SE-02.

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37 Graham seconded, and the motion passed 4-0.

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39 Miller welcomed Matt Skelton as the new Community Development Director.

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41 The meeting adjourned at 8:06 p.m.

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Chairman

Secretary